

SUPPORT FOR THE AMENDMENT

Support for the amendment to claim 7 is found in claims 15 and 16 as originally presented. No new matter would be to be added to this application by entry of this amendment.

Upon entry of this amendment, claims 7, 9 and 15-31 will remain active in this application.

REQUEST FOR RECONSIDERATION

The claimed invention is directed to skin and hair treatment methods.

The rejections of claims 7 and 17-21 under 35 U.S. C. §112, first paragraph and of claim 15 under 35 U.S.C. §112, second paragraph is obviated in-part by appropriate amendment and traversed in-part.

Applicants have now amended claim 7 to a scope which the examiner has indicated as enabled by reciting “reinforcing the water retaining ability of the horny layer” and “a skin barrier function.” In addition, applicants’ claim is directed to a method of “preventing or remedying skin roughness”. This aspect of the claimed invention is illustrated on page 34 of applicants’ specification in which average skin roughness scores of from 0.3 to 1.6 were recorded for 10 exemplified compounds. The evidence of the enablement of a method of preventing or remedying skin roughness is clear by these working examples. As the examiner has indicated that claims of the scope of water retaining ability and skin barrier function are enabled to those of ordinary skill in the art and applicants have demonstrated the skin roughness presenting or remedying effects, withdrawal of theses grounds of rejection is respectfully requested.

The provisional rejection of claims 7, 9 and 15-31 over claims 1-6 and 15-69 of co-pending application 10/967,481 under the judicially created doctrine of obviousness-type double patenting is respectfully traversed.

Applicants respectfully submit that examiner Yu has already determined that methods of reinforcing the water retaining ability of horny layers, of reinforcing the skin barrier functions, and of treating hair to be patentably distinct from a diamide composition such that it would be improper to hold such claims to render obvious the claimed invention. Claims to the methods and the diamide compositions were subject to restriction during prosecution of U.S. 10/082,115, the parent application to the above-identified application. A copy of the restriction requirement from U.S. 10/082,115 issued on July 1, 2003 is attached herewith. As examiner Yu has already restricted such inventions, the claimed method is clearly not rendered obvious by the diamide composition claims of U.S. 10/967,481. Withdrawal of this provisional rejection is respectfully requested.

Applicants submit that this application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

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